

Senate File 357 - Introduced

SENATE FILE 357

BY BLACK

A BILL FOR

1 An Act relating to public access to founded dependent adult
2 abuse information.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 235B.5, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. The department shall provide dependent
4 adult abuse information for all cases of founded dependent
5 adult abuse in an electronic format on the department's
6 internet website for public access, provided identifying
7 details of a subject of a founded dependent adult abuse report
8 issued by the department are deleted pursuant to section
9 235B.13.

10 Sec. 2. Section 235B.6, Code 2011, is amended by striking
11 the section and inserting in lieu thereof the following:

12 **235B.6 Authorized access.**

13 1. Founded dependent adult abuse information including
14 dependent adult abuse reports for all cases of founded
15 dependent adult abuse shall be public records, provided any
16 identifying details of the subjects of such information are
17 deleted prior to public access.

18 2. Access to unfounded dependent adult abuse information is
19 authorized only to the following persons:

20 a. A subject of a report including all of the following:

21 (1) To an adult named in a report as a victim of abuse or to
22 the adult's attorney or guardian ad litem.

23 (2) To a guardian or legal custodian, or that person's
24 attorney, of an adult named in a report as a victim of abuse.

25 (3) To the person or the attorney for the person named in a
26 report as having abused an adult.

27 b. A person involved in an investigation of dependent adult
28 abuse including all of the following:

29 (1) An employee or agent of the department responsible for
30 the investigation of a dependent adult abuse report or for the
31 purpose of performing record checks as required under section
32 135C.33.

33 (2) A multidisciplinary team, if the department of human
34 services approves the composition of the multidisciplinary team
35 and determines that access to the team is necessary to assist

1 the department in the investigation, diagnosis, assessment, and
2 disposition of a case of dependent adult abuse.

3 (3) The mandatory reporter who reported the dependent adult
4 abuse in an individual case.

5 c. Other persons including all of the following:

6 (1) Registry or department personnel when necessary to the
7 performance of their official duties or a person or agency
8 under contract with the department to carry out official duties
9 and functions of the registry.

10 (2) The state or a local long-term care resident's
11 advocate if the victim resides in a long-term care facility
12 or the alleged perpetrator is an employee of a long-term care
13 facility.

14 EXPLANATION

15 This bill requires the department of human services to
16 provide dependent adult abuse information for all cases of
17 founded dependent adult abuse in an electronic format on the
18 department's internet website for public access, provided
19 identifying details of a subject of a founded dependent adult
20 abuse report issued by the department are deleted.

21 Current law provides all dependent adult abuse information
22 including information relating to founded and unfounded cases
23 of dependent adult abuse, shall be confidential, except as
24 specifically provided. Access to both founded and unfounded
25 dependent adult abuse information is specifically authorized
26 only to certain persons under Code chapter 235B.

27 The bill also applies to founded cases of dependent adult
28 abuse that occur in certain hospital and health care facilities
29 and certain elder group homes, assisted living programs, and
30 adult day service programs pursuant to Code chapter 235E (Code
31 section 235E.4).